

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
FLAVIA BENITEZ,  
Plaintiff,

v.

\_\_\_\_\_  
SODEXHO MARRIOTT SERVICES,  
Defendant.  
\_\_\_\_\_

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) C.A. NO.: 04-11959-NG  
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**DEFENDANT'S BRIEF STATEMENT PURSUANT TO  
THE COURT'S JANUARY 17, 2006 SCHEDULING ORDER**

The defendant, Sodexho, Inc., misnamed herein Sodexho Marriott Services, hereby submits this Brief Statement pursuant to the Scheduling Order issued by the Court (Dein, USMJ), on January 17, 2006. The defendant requests that the Court approve and adopt the following Proposed Pretrial Schedule and Discovery Plan.

**Proposed Pretrial Schedule and Discovery Plan**

- A. Deposition of the Plaintiff to be taken by the Defendant on March 22, 2006.
- B. Fact discovery to be completed by July 24, 2006.
- C. Summary judgment motions to be served and filed on or before August 24, 2006.
- D. Any opposition to a Motion for Summary Judgment shall be served and filed no later than thirty (30) days after the date of service of the Motion to which it responds.
- E. Any party moving for Summary Judgment can file a reply to any opposition no later than ten (10) days after the service of the opposition.

- F. Plaintiff to designate experts and serve expert reports forty-five (45) days after receipt of a decision by the Court denying any Motion for Summary Judgment or October 9, 2006, whichever is later.
- G. Defendant to designate experts and serve expert reports forty-five (45) days after receipt of the plaintiff's expert designation or November 24, 2006, whichever is later.
- H. Expert discovery completed thirty (30) days after receipt of the defendant's expert designation and service of expert reports or December 26, 2006, whichever is later.

#### **Case Status**

The instant matter is still at the initial stages of discovery, and significant discovery needs to be accomplished before this matter will be ready for setting a further pretrial and trial schedule. To date, the Plaintiff has failed to return complete interrogatory answers, and a signed medical release form, to the Defendant's attention.

#### **Use of Alternative Dispute Resolution**

At this time, the Defendant is not interested in submitting this matter to an Alternative Dispute Resolution program.

#### **Consent to Trial Before the Magistrate Judge**

The defendant respectfully declines at this time to consent to trial before the Magistrate Judge.

WHEREFORE, the Defendant respectfully requests that the Court approve the Defendant's Proposed Pretrial Schedule and Discovery Plan, with such amendments as the Court deems just and fair.

Respectfully submitted,

SODEXHO, INC.,  
by its attorneys,

/s/ Brian M. Haney

Kenneth J. Martin, BBO #: 636643

Brian M. Haney, BBO #: 661674

COOLEY MANION JONES LLP

21 Custom House Street

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(617) 737-3100

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Dated: January 23, 2006

**CERTIFICATE OF SERVICE**

I, Brian M. Haney, attorney for Sodexho, Inc., misnamed herein as Sodexho Marriott Services, in the above-captioned action, hereby certify that on this 23<sup>rd</sup> day of January, 2006, a copy of the Defendant's Brief Statement Pursuant to the Court's January 17, 2006 Scheduling Order was served via first-class mail upon the plaintiff, Flavia Benitez, at the following address:

P.O. Box 302437  
Jamaica Plain, MA 02130.

/s/ Brian M. Haney  
Brian M. Haney